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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/893,112

06/27/2001

Philip M. Walker

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Intellectual Property Administration
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EXAMINER

DOAN, DUYEN MY

ART UNIT	PAPER NUMBER
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2152

MAIL DATE	DELIVERY MODE
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05/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/893,112	Applicant(s) WALKER ET AL.	
	Examiner DUYEN M. DOAN	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/11/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/11/2008. Claims 1-16 is amended for examination. Claims 17-19 are cancelled.

Response to Arguments

Applicant's arguments filed 3/11/2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art does not teach, "providing a GUI that enables an operator of the service provider to construct a connection between a clients... and the service provider using the same process regardless of the configurations of the remote client networks". Examiner respectfully disagrees, Pugaczewski (hereinafter Pug) discloses providing a GUI to a user (i.e. operator) of the network management system to initiate a connection build between a customer (client) and the service provider (see Pug col.3, lines 1-14). Pug further discloses providing a genetic set of models to configure the network connection between the first end point

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and the second end point (see Pug abstract). Pug therefore teaches the claimed limitations.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the configuration". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claims 7-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 12-16 cites, "computer readable medium" however on page 9, lines 15-21 of the specification applicant has provided evidence that applicant intends the medium to include signals. Signals are not statutory (see MPEP 2106.01).

As regarding claims 7-11, cites, "means for providing...means for receiving... means for automatically determining...means for establishing..." In light of the specification, see figure 2, figure 4-5 and the corresponding text, these means seem to be the software modules, since the claimed system is a system of software per se, failing to fall within a statutory category of invention (see MPEP 2106.01).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugaczewski et al (us pat 6,903,755) (hereinafter Pug) in view of Hsieh et al (us 2002/0158900) (hereinafter Hsieh).

As regarding claim 1, Pug discloses providing a graphical user interface that enable an operator of the service provider to construct a connection between the remote client on the client network and the service provider computer on the service

provider (see Pug col.3, lines 1-14; provide GUI to network management system for configuring a connection between first service end point may be an ISP and the second service end point may be a customer);

using a process that is the same regardless of a configuration of the remote client networks (see Pug abstract, provide a genetic set of models to configure the network connection between the first end point and the second end point);

receiving a command of the service provider operator with the GUI that convey the identity of a particular client and a particular service provider computer to be accessed by the client (see Pug col.19, lines 59-67; also see figure 23, identity of customer 542; and identity of ISP 542);

automatically determining the configuration of the client network (see Pug col.19, lines 59-67 to col.20, lines 1-33, also see figure 23);

automatically establishing connection between client's network and the service provider computer (see Pug col.4, lines 40-47, configuring network connection between provider access point and a user access point; col.19, lines 59-67 to col.20, lines 1-33, also see figure 23);

to enable the client to remotely utilize the computing capabilities of the service provider computer (see Pug col.8, lines 14-22, a customer connects to an internet service provider).

repeating actions (b) through (d) for multiple different clients having different network configurations, the process used by the service provider operator to construct the connection using the GUI being the same regardless of the different network

configurations (see Pug abstract, provide a genetic set of models to configure the network connection between the first end point and the second end point; Pug discloses all the steps above).

Pug discloses the invention as claimed, however Pug does not specifically disclose the connection between the customer and the service provider is a VLAN.

Hsieh discloses the connection between the customer and the service provider is a VLAN (see Hsieh pg.6, par 0053; pg.7, par 0058).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Hsieh to the method of Pug to use VLAN as the connection between the customer and the service provider for the purpose of avoiding latency infrastructures as compared with operating across a number of routers (see Hsieh pg.6, par 0053; pg.7, par 0058).

As regarding claim 2, Pug-Hsieh discloses wherein the GUI comprises lists of clients and available service provider computers (see Pug col.19, lines 59-67; also see figure 23, identity of customer 542; and identity of ISP 542).

As regarding claims 3, Pug-Hsieh discloses wherein receiving commands comprises first receiving selection of a client for which connectivity is to be provided (see Pug col.19, lines 59-67; also see figure 23, identity of customer 542; and identity of ISP 542).

As regarding claim 4, Pug-Hsieh discloses detecting association of a service provider computer with a client VLAN (see Hsieh pg.6, par 0053; pg.7, par 0058). The same motivation was utilized in claim 1 applied equally well to claim 4.

As regarding claims 6, Pug-Hsieh discloses wherein determining the client network configuration comprises accessing a connectivity database that stores the client network configuration (see Pug col.1, lines 62-67).

As regarding claims 7-11, the limitations of claims 7-11 are similar to limitations of rejected claims 1-4,6, therefore rejected for the same rationale as claims 1-4, 6.

As regarding claims 12-16, the limitations of claims 12-16 are similar to limitations of rejected claims 1-4,6, therefore rejected for the same rationale as claims 1-4, 6.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pug and Hsieh as applied to claim 4 above, and further in view of McNally et al (us pat 6,259,448) (hereinafter McNally).

As regarding claim 5, Pug-Hsieh discloses the invention substantially as claimed in claim 4 above, however the combination of Pug-Hsieh does not disclose the concept drag and drop in GUI.

McNally teaches the concept of implement the drag and drop protocol in a graphical user interface (see McNally col.2, lines 9-21).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of McNally to the method of Pug-Hsieh to implement drag and drop protocol in a GUI, because by dragging and dropping would reduce the work of administrator and minimize the number of actions required by the administrator (see McNally col.2, 1-40).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUYEN M. DOAN whose telephone number is (571)272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner
Duyen Doan
Art unit 2152
5/10/2008

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2152